

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 832 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KEYUR LALLUBHAI PATEL HEIR & L.R. OF KASHIBEN L.PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR HARESH J TRIVEDI for Petitioners  
MR AB VYAS ASSTT. GOVERNMENT PLEADER  
for Respondent NoS. 1 and 2.

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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 17/09/97

ORAL JUDGEMENT

Rule on the petition. The same is made returnable forth with. Mr. A.B.Vyas, AGP, waives the service of Rule on behalf of the respondents. Both the learned advocates have made their submissions.

2. The main grievance of Mr. Trivedi, the learned advocate appearing for the petitioners is that when the

Revenue Tribunal heard the petitioners' revision and passed the order on 12/12/1996, the Tribunal did not go into the aspect as to whether the petitioners are entitled for one more Unit. Mr. Vyas has not objection to the matter being revived for the Tribunal to go into this aspect. Accordingly, the order passed by the Revenue Tribunal in Revision Application No.TEN/B.A. 764 of 1996 dt. 12/12/1996 is set aside and the Tribunal is directed to hear and decide the revived proceedings on the aspect as to whether the petitioners were in any way entitled to one more Unit. Needless to state that the respondents will maintain status quo with respect to the two Units permissible under the Act until revived matter is finally heard and decided. The Tribunal will endeavour to dispose of the proceedings as expeditiously as possible, preferably within six months from the receipt of the writ of this court. Writ to go down forth with. The petition is, therefore, disposed of accordingly. Notice is discharged, with no order as to costs.

Date: 17/9/1997. (H.L.GOKHALE,J.)

(ccs)